THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.18570 of 2006

Dated:11-10-2006

Between:

K. Radha Krishna Reddy.

..... PETITIONER

AND

The District Collector, Nellore, and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S. RAO

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ORDER:

The petitioner claims that he along with their other family members is the owner of land admeasuring Acs.18.51 cents in survey Nos.873 to 875, 892, 893, 895, 896, 897 and 901-A situated at Vavveru Village of Buchireddypalem Mandal in Nellore District. The petitioner is drawing water from 'Yerracheruvu' situated in survey No.891 of said Village, which is adjacent to their land. It is a rain fed tank and is classified as cheruvu poramboke. It appears that in August, 2003, some of the villagers attempted to encroach upon Yerracheruvu. The petitioner, therefore, represented to the respondents to take necessary steps to prevent the encroachments of tank bed land. The Mandal Revenue Officer(MRO), acting on said representation, directed the Mandal Surveyor to conduct survey. After conducting enquiry, the Mandal Surveyor submitted report dated 04-09-2003 to the effect that some third parties have encroached upon the tank bed land. According to the petitioner, MRO then directed the Village Secretary on 06-09-2003 to issue notice to the encroachers, but no action was taken. He further alleges that 20 per cent of the tank bed land has been encroached upon and the same is causing threat to the tank and therefore, he filed instant writ petition seeking a Mandamus directing the respondents, namely, the District Collector, Nellore, the Revenue Divisional Officer, Kavali, Nellore District, and the Mandal Revenue Officer, Bucchireddypalem, Nellore, to take necessary action immediately for removal of the encroachments in Yerracheruvu.

At the stage of admission itself, as directed by this Court, the learned Assistant Government Pleader for Revenue (General) has produced relevant file from the office of MRO, which would show that MRO inspected Yerracheruvu on 02-05-2005, submitted a detailed report to the District Collector. MRO found that an extent of Acs.6.00 in the Northern and Western side of the tank was encroached upon by some persons. They made representation on 19-09-2004 to the District Collector for grant of pattas as well as fishing rights in their favour. In the meanwhile the petitioner and their other family members approached the District Collector with a request to evict the encroachments from Yerracheruvu. MRO also refers to the proceedings under Land Reform Law in connection with the declaration filed by Smt. Kotimreddy Ammanamma, who surrendered agricultural land to an extent of Acs.5.87 cents in survey Nos.921/1A and 920/A1 situated in said village, which was proposed to be assigned to certain beneficiaries.

Apart from the report of MRO referred to hereinabove, there is also correspondence in the file produced before this Court to the effect

that the allegation made by the petitioner that the tank bed land of Yerracheruvu has been encroached is correct. A water body should be preserved as such and ordinarily the same cannot be converted for any other purpose. This is the settled position of law. Therefore, the respondents should immediately initiate action to remove all the encroachments in Yerracheruvu by issuing notice to all the encroachers, if necessary, by allotting alternative land to such encroachers, if they are eligible. MRO may initiate necessary action within a period of one week from the date of receipt of a copy of this order and complete the entire exercise within a period of six weeks thereafter.

The writ petition, with the above observations and directions, is accordingly disposed of. No costs.

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(**V.V.S.RAO, J**)

11th October, 2006
ghn